



# United States Department of the Interior

## NATIONAL PARK SERVICE UNITED STATES PARK POLICE

Headquarters  
1100 Ohio Drive, SW  
Washington, DC 20242

**OCT - 4 2012**

C.9. (NPS-USPP)

Mr. Tom Nash  
MuckRock News  
DEPT MR 1923  
P.O. Box 55819  
Boston, Massachusetts

Dear Mr. Nash:

This responds to your modified emailed Freedom of Information Act request to the National Park Service's Charis Wilson, dated September 26, 2012, which was forwarded and received by the United States Park Police FOIA Officer on September 26, 2012. In your modified FOIA request, you seek records pertaining to "Fugazi", who you describe as a Washington, DC based rock band as to any concerts they performed on National Park Service property in DC between the years 1991 and 1993, including any permits, memos, or reports prepared before or after these concerts pertaining to crowd control/security concerns.

The FOIA, 5 U.S.C. § 552, generally provides that the Government shall make documents available to the public for inspection and copying to the widest extent possible. However, certain classes of documents may be exempt if sound policy grounds exist for invoking an exemption. In addition, the Government is not required to create records to respond to requests under this Act. The Act applies only to records in existence at the time of a request. For your information, Congress excluded three discrete categories of law enforcement and national security records from the requirements of the FOIA. See 5 U.S.C. § 552(c) (2006 & Supp. IV (2010)). This response is limited to those records that are subject to the requirements of the FOIA. This is a standard notification that is given to all our requesters and should not be taken as an indication that excluded records do, or do not, exist.

This is the response of the U.S. Park Police. The U.S. Park Police Records Section conducted a thorough search of our records and found no documents that are responsive to your request.

The fee incurred in responding to your request is less than \$30 and is not being charged in accordance with 43 CFR § 2.16(b)(2).

Under FOIA, you have the right to appeal this determination. Your appeal must be in writing and received by the FOIA Appeals Officer no later than 30 workdays after the date of this final response. Title 43 CFR § 2.30 provides "How do I file an appeal?" as follows:

- (a) You must submit your appeal in writing, i.e., by mail, fax or e-mail, to the FOIA Appeals Officer, U.S. Department of the Interior [at 1849 C Street, NW., Mail Stop 6556-MIB, Washington, D.C. 20240]. .... Your appeal must include the information specified in paragraph (b) of this section. Failure to send your appeal directly to the FOIA Appeals Officer may result in a delay in processing.

(b) You must include with your appeal copies of all correspondence between you and the bureau concerning your FOIA request, including your request and the bureau's response (if there is one). Failure to include with your appeal all correspondence between you and the bureau will result in the Department's rejection of your appeal, unless the FOIA Appeals Officer determines, in the FOIA Appeal Officer's sole discretion, that good cause exists to accept the defective appeal. The time limits for responding to your appeal will not begin to run until the documents are received.

(c) You also should include in as much detail as possible any reason(s) why you believe the bureau's response was in error.

(d) Include your name and daytime telephone number (or the name and telephone number of an appropriate contact), e-mail address and fax number (if available), in case DOI needs additional information or clarification of your appeal.

(e) If you file an appeal concerning a fee waiver denial or a denial of expedited processing, you should, in addition to complying with paragraph (b) of this section, demonstrate fully how the criteria in § 2.19(b) (see Appendix D) or § 2.14(a) are met. You also should state in as much detail as possible why you believe the initial decision was incorrect.

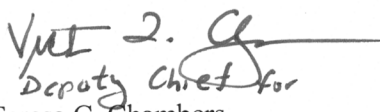
(f) All communications concerning your appeal should be clearly marked with the words: "FREEDOM OF INFORMATION APPEAL."

Please provide the U.S. Park Police with any other information you may have that leads you to believe that records not located do, in fact, exist including where they might be found, if the location is known to you.

Finally, as part of the 2007 OPEN Government Act FOIA Amendments, now codified at 5 U.S.C. § 552(h)(1)(3), the Office of Government Information Services (OGIS) was created to offer mediation services to resolve disputes between FOIA requesters and Federal agencies as a non-exclusive alternative to litigation. (OGIS does not have the authority to handle requests made under the Privacy Act of 1974.) Using OGIS mediation services does not affect your FOIA litigation rights. You may contact OGIS in any of the following ways: (1) by mail at Office of Government Information Services, National Archives and Records Administration, Room 2510, 8601 Adelphi Road, College Park, Maryland 20740-6001; (2) by e-mail at [ogis@nara.gov](mailto:ogis@nara.gov); (3) by phone at (301) 837-1996; and (4) by fax at (301) 837-0348.

Randolph J. Myers, Senior Attorney, Office of the Solicitor, U.S. Department of the Interior, Washington, DC 20240 was consulted regarding this decision.

Sincerely,

  
Deputy Chief for  
Teresa C. Chambers  
Chief of Police